

MINUTES of March 6, 2014
ONSITE WASTEWATER STAKEHOLDER MEETING
Community Room, Capital Mall
Jefferson City, Missouri

Welcome and introductions

Nancy Hoffman, the meeting facilitator from DHSS, introduced herself and told the group about some of her work in public health. Nancy explained the objective of the meeting and asked the attendees for any other agenda items. No additional items were suggested. Each attendee was asked to introduce themselves, noting their professions. There were 49 stakeholders present.

Operation and Maintenance Guidelines for Onsite and Cluster (Decentralized) Wastewater Systems

Mark Jenkerson, Chief, Bureau of Environmental Health Services gave a short presentation on the Operation and Maintenance (O&M) Guidelines being developed for Onsite Wastewater Treatment Systems (OWTS). It included the purposes of educating the public, being a reference for systems owners, and a resource that could be offered by onsite system professionals, permitting authorities, etc. Mark shared an outline and example layout of the guidelines.

Many suggestions were offered by attendees:

1. Use information and checklists from the Consortium's (CIDWT) O&M manual and use the Consortium's Glossary.
2. Give O&M Guidelines/Manual to owners when a system is permitted.
3. It needs to be clear that graywater must be treated as wastewater; it cannot be discharged.
4. Add don't flush wipes (diaper or any type) to the 'Don'ts' section; they aren't biodegradable.
5. It was noted that items that claim they are "septic safe" do not have any accreditation.
6. Include information that septic tank additives serve no purpose.
7. It was suggested to include a "Three Key Points" tip sheet in the manual that can be handed to the owner.
8. Include in the key points, a point about the potential for wastewater to impact groundwater and nearby drinking water wells.
9. More education about onsite systems is needed for realtors.
10. Collect and share materials developed and implemented by other professionals throughout the state, such as RME O&M information.

Attendees asked if it was possible to share drafts of the manual for their comments. Anyone interested in joining the O&M Guidelines workgroup, and anyone with other suggestions should contact Jim Gaughan or Mark Jenkerson.

Responsible Management Entities (RMEs) For Decentralized Wastewater Systems

Jim Gaughan gave an overview of RMEs. A system owner is responsible for their individual system. When a system serves more than one property owner, system O&M and management is often less successful or completely neglected. An RME is needed for effective O&M of cluster systems. The question was asked, how can we best develop or build management capacity?

Some of the suggestions were:

1. Attach O&M fees to property taxes.
2. Utility model could work for billing.
3. A new system will fail in about seven years without maintenance. There is a need to attempt owner education about the potential costs of not maintaining their system.
4. Most existing utilities are not interested in managing individual systems; look beyond utilities.
5. Home Owner Associations can be responsible; must be established before approving a permit.
6. A non-profit model doesn't work well for individual system O&M because it is voluntary and difficult to achieve a 'critical mass' of customers. Also, systems and maintenance costs vary widely. Make O&M mandatory. Need better enforcement when there is a maintenance requirement.

7. Camden County was reported to require two years maintenance of permitted systems; however, some owners meet the requirement initially but then do not continue to pay the fees, switch service providers, and otherwise work the system to avoid maintenance costs.
8. Jefferson County just recently started requiring mandatory maintenance contracts. The county uses a computer program to track contracts and if necessary, enforcement can go to a municipal court (which is also used for onsite wastewater complaints). There is limited experience and information available as to whether this is a viable solution.

Discussion of inspector issues began with the question of conflict of interest and the following points.

1. An individual should not be both an inspector and an installer. Nor should an inspector be an employee of the installer.
2. Inspectors that do not install systems are not as experienced or knowledgeable about onsite systems.
3. Permit authority inspectors, and companies they own, should not be allowed to do private onsite wastewater system installations, inspections, or soils evaluations within their jurisdiction.
4. The issue is ethics. All professions may have ethics concerns and generalizations may not help.
5. "Grandfathered" is not defined as it relates to an onsite systems. It is used too often.
6. Inspector assumes liability for the inspection.
7. The liability related to inspections is real. Permitting authorities should be cautioned, and private inspectors shouldn't be out there if they don't know their job.
8. How are inspectors/inspections reviewed?

The stakeholders took a break with an announcement there would be an opportunity for more discussion about inspections later.

Following the break, Charles Harwood announced a final upcoming Stakeholder Meeting for 10 CSR 20-6.030, the Residential Housing Development rule.

Our Missouri Waters, DNR

Jennifer Hoggatt presented information on the Our Missouri Waters Initiative. The two main goals of the project are to raise awareness and to move Department of Natural Resources (DNR) activities to watershed based management. There are 66 HUC-8 (an 8-digit hydrologic unit code) watersheds in Missouri. In 2013, the Pilot Phase focused on three HUC 8 watersheds, the Spring River, Lower Grand River, and Big River. Full implementation will focus on a portion of the 66 HUC-8 watersheds on a five year rotation. More information on this project can be found on the internet at www.dnr.mo.gov/omwi.

Onsite System Inspections/Evaluations for Real Estate Purposes:

Jim Gaughan presented information regarding Onsite Wastewater Treatment System (OWTS) inspections/evaluations for real estate transactions. Records show a decline in the number of evaluations versus inspections from 2010 to 2013. It was also noted that 6 out of the 50 states require an OWTS inspection at time of sale. Some differences were noted between inspections and evaluations with an evaluation being less thorough. Although approximately 15 percent of the assessment reports received are evaluations, about one-half of the inspector complaints that the Onsite Program receives are regarding evaluations. Often when a new owner calls, it is found that they were confused about the evaluation or inspection process. Some inspectors do not conduct evaluations due to concerns about liability.

Dr. Randy Miles provided a brief history of why OWTS evaluations were implemented, beginning with stakeholders in 1998.

Discussion and suggestions about the issue of OWTS evaluations followed:

1. There should be no difference between inspections and evaluations because a system can 'pass' an evaluation and would not 'pass' an inspection.
2. Add a soil morphology question or criteria.
3. The hydraulic load test should always be required and/or clarified. Since the test is not conducted for vacant homes, the fact is sometimes used to reduce the chance a discharge pipe would be found.

It was explained that a hydraulic load test on an unused system would not be considered valid; a dry pit or small system could appear to function on the day of the test and fail when put into use. When a home has been

vacant, water should still be run through the OWTS to check plumbing connections and to look for a discharge pipe. That is separate from a hydraulic load test and usually a smaller volume of water would be needed.

4. Eliminate evaluations.
5. Limit evaluations to lagoons only or do away with evaluations completely.
6. A question about whether standards forms were to be used was answered in the affirmative.
7. It was suggested that inspection/evaluation information be included in the O&M Guidelines.
8. In response to a question, it was confirmed that inspectors are required to submit reports to the local health agency or other local permitting authority. This is not always happening. Local authorities can contact the Onsite Program about reports.
9. Some inspectors reportedly use permit records obtained from the local authority in lieu of completing an inspection. Permit applications and permit records show what system was to be installed. The permit may not show any changes to the system 'as-built' and does not reflect the condition of the system at the time of an inspection; a complete inspection is to be conducted.
10. Dr. Randy Miles explained:
 - Inspector training regarding permit information.
 - He compared Missouri inspections and evaluations to Iowa's time-of-transfer program.
 - Missouri DNR assists with wellhead and dye trace training.
 - He recommended that inspectors be required to go through advanced installer training.
 - Some states require an OWTS to be brought up to a minimum level prior to property transfer.
11. Require sewage tank to be pumped at time of inspection.
12. If two access ports are available, the tank may not need to be pumped to complete the inspection.
13. If tank needs pumped, it should be pumped after a hydraulic load test, or the tank must be refilled before conducting the test.
14. Inspection and pumping should be coordinated. Pumping could be required unless the tank was recently pumped and the service can be documented.
15. Installation of inspection ports on an existing tank should only be required if access was precast in tank; adding holes improperly could result in tank collapse.
16. A failure of an LPP system that had been recently modified under a permit was described; exempting recently permitted systems from inspection is not recommended.
17. In response to the question about review of inspector's work, when a complaint is received or a problem is reported, it is investigated. If non-compliance can be documented, action taken may range from a warning letter to a compliance meeting, suspension, or revocation. A professional complaint record form is available for local permitting authorities to document an onsite inspector's or other OWTS professional's non-compliance.
18. It was recommended that inspectors and other professionals should document their work with pictures. Inspections/evaluations record the conditions of the system at the time of the assessment.

Stakeholder Topics/Discussion:

1. A question was asked regarding requests for a variance on sites that were platted after January, 1996. Rule changes being drafted may change the eligibility for variances in the future.
2. It was asked if there is a possibility of a change permitting discharging systems for single-family homes at the Lake of the Ozarks. At this time no change is expected.
3. Local authorities have limited funding, staff, and authority to inspect discharging systems adequately.
4. Other states, for example Oregon, reportedly permit single family discharges meeting certain standards.
5. There are systems that are discharging in Missouri lake developments; it would be better to regulate them than ignore them.

Wrap-Up:

Joe Kostelac made an announcement about the Missouri Smallflows Organization, Daryl Brock Memorial Scholarship Program.

Charles Harwood offered some information about the DNR funded low interest Onsite Loan Program. It is available for single-family homes at this time.

Anyone with other comments or with questions about topics discussed at the meeting should contact Jim Gaughan or Mark Jenkerson at OnsiteSewageProgram@health.mo.gov or (573) 751-6095.